

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: WORLD TRADE CENTER
DISASTER SITE LITIGATION,

-----X
THOMAS MAGEE,

Plaintiff,

- against -

THE PORT AUTHORITY OF NEW YORK
AND NEW JERSEY, SILVERSTEIN
PROPERTIES and THE CITY OF NEW YORK,

Defendants.

21 MC 100 (AKH)

Civil Action No. 05 Civ. 07210 (AKH)

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed Declaration of Noah H. Kushlefsky, the exhibits thereto, Plaintiff's Memorandum of Law, and all prior pleadings and proceedings, Plaintiff Thomas Magee will move before the Honorable Alvin Hellerstein, United States District Judge, located at the United States Courthouse, 500 Pearl Street, New York, New York, Room 14D, on December 7, 2011 at 9:30 a.m. or as soon thereafter as counsel may be heard for an Order to strike certain affirmative defenses and remand plaintiff's suit against all defendants to the Supreme Court, New York County, with such other and further relief as the Court deems just and proper.

Dated: New York, New York
November 16, 2011

Respectfully submitted,

KREINDLER & KREINDLER LLP

/s/ Noah H. Kushlefsky
Noah H. Kushlefsky
Therese Stevens Loucks
KREINDLER & KREINDLER LLP
750 Third Avenue
New York, NY 10017
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the attached NOTICE OF MOTION TO STRIKE DEFENSES AND REMAND, the accompanying Memorandum of Law, Declaration of Noah H. Kushlefsky, and all supporting exhibits were served upon all parties on this 16th day of November 2011, via the Court's CM/ECF system.

_____/s/
Noah H. Kushlefsky